IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1888 OF 2006

Sunil Atmaram Burkar. .. Petitioner.

vs.

State of Maharashtra

& Anr. .. Respondents.

Ms. Shubhangi Chavan i/by Mr. A.M. Saraogi

for petitioner.

Ms. Geeta Shastri, AGP., for Respondent no. 1.

..

Coram: J.N. PATEL, ACTING C.J. &

S.C. DHARMADHIKARI, JJ.

Date: 8th March, 2007.

P.C.

. The petitioner has filed this writ petition for issuance of a writ directing respondent no.1 to forthwith consider, transfer and issue necessary property card in favour of the petitioner in terms of the application presented by the petitioner for transfer of property and issuance of property card in respect of the property being plot of land along with the structure standing thereon measuring about 158 sq.

mtrs. situate at Worli Division, Worli, Bombay bearing New Survey No. 1 (P)/3220 to 3224 (P) and assessed by the Assessor and Collector of Municipal rates and taxes under Ward 'G-S' No. 427 (5D) street No. 329 DCA in the Registration district and Sub-District of Mumbai City.

2. The respondents have not been able to issue such property card in favour of the petitioner as the petitioner failed to establish the title of the persons through whom the petitioner has purchased the property. Further, it is the case of the respondents that the property never belonged to respondent no. 2. If that is the case, the petitioner has an alternative remedy against the respondent no. 2. We find that in absence of any documents, which clearly establish the title of the petitioner, it will not be possible for this Court to grant any such relief as sought for by the petitioner against the respondent no. 1. Petition is, therefore, dismissed. No order as to costs.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)